

Appl. No. 10/551,405  
Amdt. dated August 21, 2008  
Reply to Office Action of June 3, 2008

PATENT

**Amendments to the Drawings:**

The attached sheet of drawings includes amendments to Fig. 1. This sheet, which includes Figs. 1A and 1B replaces the original sheet including Figs. 1A and 1B.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes

## **REMARKS/ARGUMENTS**

### **Status Of Pending Claims**

Claims 1-4, 7, 17-19, 22-31, and 33-38 are pending in this application. Claims 5, 6, and 32 have been canceled herewith. Thus, claims 5-6, 8-16, 20-21, and 32 are cancelled.

The cancellation or withdrawal of claims is in no way an admission that these claims are drawn to non-patentable subject matter. Applicants expressly reserve the right to pursue any cancelled or withdrawn subject matter in later filed related applications.

Claims 1-4, 7, 17-19, 22-31, and 33-38 are pending and presented for examination.

### **Amendments To The Specification**

This application is a U.S. National Phase of PCT/US2004/009617, filed March 29, 2004, which claims the benefit of U.S. provisional patent application No. 60/459,507, filed on March 31, 2003. Applicants have amended the specification to include a cross-reference to these related applications.

The amino acid sequence for "RT-2L9V" has been amended in paragraphs [18] and [105] to conform to the sequence for "RT-2L9V" found in paragraph [07], Table 2 on page 31 and Fig. 1A.

Fig. 1B has been amended to correct the amino acid sequence labeled "FMP" to conform to the sequence for "FMP" given in paragraph [19], page 5, line 16, paragraph [106], page 29, line 10 and labeled "Flu-MP (58-66)" in Table 2, page 31.

Applicants request entry of this amendment in adherence with 37 C.F.R. §§1.821 to 1.825. This amendment is accompanied by a computer readable format containing the sequences, SEQ ID NOS:1-22, and a paper copy of the sequence information that has been printed from the computer readable format.

The information contained in the computer readable format was prepared through the use of the software program "PatentIn" and is identical to that of the paper copy. This amendment contains no new matter.

**Amendments To The Claims**

Claims 1, 2, 7, 17, 22, 30, and 33-35 have been amended to insert required sequence identifiers at their proper locations.

No new matter is introduced by the present amendments.

**Drawings**

In the Office action mailed June 3, 2008, the Examiner did not indicate whether the drawings as filed are accepted as formal drawings or objected to by the Examiner. Applicants respectfully request such indication, also including amended Figure 1B, be made in the next Office Action.

**OBJECTIONS**

In the Office Action of June 3, 2008, the Examiner objected to claims 1-4, 7, 17-19, and 22-38 for failing to provide a sequence identifier and requested appropriate correction.

Applicants have amended claims 1, 2, 7, 17, 22, 30, and 33-35 to insert the required sequence identifiers at their proper locations.

Applicants respectfully request the objection to claims 1-4, 7, 17-19, and 22-38 be withdrawn.

**REJECTIONS UNDER 35 U.S.C. §112**

In the Office Action of June 3, 2008, the Examiner rejected claims 5 and 6 under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement.

Applicants, herein have canceled claims 5 and 6. In addition, Applicants have canceled claim 32, which depended on claim 5. The cancellation of these claims is in no way an admission that the claims are drawn to non-patentable subject matter. Applicants expressly reserve the right to pursue any canceled subject matter in later filed related applications.

Accordingly, Applicants respectfully request the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this application are in condition of allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Applicants believe that no additional fee is required. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from or credit any overpayment to, the above-noted Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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Attachments  
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Fig. 1

